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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,031	01/30/2007	Mike Soumokil	07781.0271-00	4433
60668 7590 11/12/2010 SAP / FINNEGAN, HENDERSON LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER ANDERSON, JOHN A				
ART UNIT		PAPER NUMBER		
3694				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/573,031

**Applicant(s)**

SOUOMOKIL, MIKE

**Examiner**

JOHN A. ANDERSON

**Art Unit**

3694

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30, 31, 36, 38, 40, 41, 45 and 49-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30, 31, 36, 38, 40, 41, 45 and 49-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/22/2006, 08/30/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of claims**

1. This action is in response to the application filed 08/30/2010. Claims 30, 31, 36, 38, 40-41, 45, 49-55 are pending and are examined.

### ***Information Disclosure Statement***

2. The information disclosure statement dated 03/22/2006 and 06/16/2010 have been considered.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ

619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 30,31,36,38,40-41,45,49-55 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 30-55 of copending Application No.10/573024. Although the conflicting claims are not identical, they are not patentably distinct from each other because both of the applications claim a first and second state.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 30-31,36,38,40-41,45,49-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinkle et al (7,254,288) in view of Baker et al (6,989,820) and further in view of Ahmed (EP 1,164,519).
7. As regards claims 30, 54 and 55, Hinkle discloses a method for processing [[of]] Invoices, the method being performed by a computer and comprising: selecting, from a plurality of electronic-invoice records, by using a processor of the computer, invoices which are due within a pre-selectable time or on a pre-selectable date [col 4 lines 49-63]

Selecting, from the plurality of electronic-invoice records, invoices that satisfy a specified condition; [col 4 lines 49-63]

Hinkle does not disclose assigning a first state to the selected invoices, wherein the assigned first state includes a first set of characters that are stored in a data field of each selected electronic-invoice record;

assigning a second state to said selected invoices [[: and]] that satisfy the condition, wherein the second assigned state includes a second set of characters that are stored with the first set of characters in the data field of each selected electronic-invoice record; and using the first state and the second state to control

processing of the invoices.

Baker discloses assigning a first state to the selected invoices, wherein the assigned first state includes a first set of characters that are stored in a data field of each selected electronic-invoice record;

assigning a second state to said selected invoices [[: and]] that satisfy the condition, wherein the second assigned state includes a second set

of characters that are stored with the first set of characters in the data field of each selected electronic-invoice record; and using the first state and the second state to control processing of the invoices. [col 2 lines 35-67, col 3 lines 51-60; col 4 lines 44-57; col 5 lines 24-59; col 6 lines 12 -23, lines 46 thro col 7, line 33; col 10 lines 41 -65]

Hinkle and Baker fail to disclose a preselectable time or on a preselectable date.

Ahmed discloses a preselectable time or on a preselectable date [0083]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Ahmed in the device of Hinkle. The motivation would have been to more effectively manage the due dates of the invoices..

8. As regards claim 31, Hinkle discloses (Currently Amended) The method of claim 30, further comprising:  
selecting, from said plurality of electronic-invoice records,

invoices which meet the additional condition that the respective balance is larger than a pre-selectable first value.[ col 4 lines 49-63 ]

9. As regards claims 36 and 38, Hinkle discloses (Currently Amended) The method of claim 31, further comprising:  
selecting, from said plurality of electronic-invoice records second invoices, [[the]]  
a balance of each of which is smaller than a pre-selectable second value and  
larger than a pre-selectable third value; [col lines 27-54, col 4 lines 35-56]

Hinkle does not disclose assigning a third state to the second invoices, the second value being

smaller than or equal [[than]] to the first value, and the third value  
being smaller than the second value.

Baker discloses assigning a third state to the second invoices, the second value being

smaller than or equal [[than]] to the first value, and the third value  
being smaller than the second value.[col 2 lines 35-67]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Baker in the device of Hinkle. The motivation would have been to group invoices based upon payment parameters.

10. As regards claim 40, Hinkle discloses (Currently Amended) The method of claim 31, wherein the pre-selectable first value is such that a pre-selectable percentage of [[the]] outstanding active debts or turnover is controlled. [Abstract; col. 1 line 28-35; col. 2 lines 20-28; Fig. 1; Fig. 4 element 114 and Fig. 5; col. 4 lines 45-50.]
11. As regards claim 41, Hinkle discloses (Previously Presented) The method of claim 38, further comprising:  
presenting the invoices of at least one of the first state, the second state, the third state, and the fourth state to a cash collector. [ col. 4 line 45 through col. 5 line 5; Fig. 4 elements 116 and 126, 132; Baker, col. 3 lines 51-60; col. 4 lines

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44-47; col. 5 lines 24-59; col. 6 lines 12-23; see also Fig. 4, line 46 through col. 7 line 33; col. 10 lines 41-65; Figs. 5, 6A-B].

12. As regards claim 45, Hinkle discloses (Currently Amended) The method claim 41, further comprising:  
controlling, by said cash collector, whether payments according to the  
invoices of at least one of the first state and the second state have  
been made before, on, or after the due date of each invoice, and, in  
case of [[a]] non-payment of an invoice, presenting the non-  
payment invoice to a collecting service. [ col. 4 line 35 through col. 5 line 6-30;-  
Fig. 4 elements 116 and 126, 132].
13. As regards claim 49, Hinkle discloses (Previously Presented) The method of  
claim 45, further comprising checking  
whether a non-payment is reasoned, and if the non-payment is not reasoned,  
presenting such non-payment invoice to an external collecting agency.  
(col. 4 lines 35 through col. 5 lines 30; Fig. 4 element 126 - nonpayment is  
grounds for sending invoice/account to collection).
14. As regards claim 50, Hinkle discloses (Previously Presented) The method of  
claim 45, further comprising presenting  
the non-payment invoices to the collecting service as a to-do-list.  
(Hinkle, see col. 2 lines 8-19- to-do list allows prioritizing collection of  
accounts/invoices; Baker, col. 6 lines 1-5).
15. As regards claim 51, Hinkle discloses (Currently Amended) The method of claim  
30, further comprising:  
receiving a request for a state change of [[an]] a selected invoice from a  
customer; and changing the state of the invoice according to said request.

Baker, col. 3 lines 51-60; col. 4 lines 44-47; col. 5 lines 24-59; col. 6 lines 12-23;



line 46 through col. 7 line 33; col. 10 lines 41-65; Figs. 5, 6A-B; Hinkle, see col. 6 lines 10-20; Fig. 7 elements 180 & 184).

16. As regards claim 52, Hinkle discloses (Previously Presented) The method of claim 51, further comprising presenting the request to an internal clearing division before changing the state.(col. 5 line 15-30; see Fig. 5 element 158)
17. As regards claim 53, Hinkle discloses (Previously Presented) The method of claim 30, wherein the method is implemented as part of software for supporting business processes, the software comprising enterprise resource planning software.( col. 13 lines 34-38 for software program on a computer- readable program).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN A. ANDERSON whose telephone number is (571)270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ella Colbert can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John A Anderson/  
Examiner, Art Unit 3694

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